# Public Health Appeal Board

## Annual Report 2003

Alberta
HEALTH AND WELLNESS

## For further information

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ALBERTA
HEALTH AND WELLNESS

*Office of the Minister*

January 2004

The Honourable Ken Kowalski, M.L.A.
Speaker of the Legislative Assembly
325 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Speaker:

I have the honour to present the annual report of the Public Health Appeal Board for the year January 01, 2003 to December 31, 2003.

Sincerely,

Gary G. Mar, Q.C.
Minister of Health and Wellness
M.L.A. Calgary Nose Creek

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Alberta
HEALTH AND WELLNESS

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PUBLIC HEALTH APPEAL BOARD

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January 2004

The Honourable Gary G. Mar, Q.C.
Minister of Health & Wellness
323 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Minister Mar:

I have the honour and privilege to present the Annual Report of the Public Health Appeal Board for the year January 01, 2003 to December 31, 2003.

Respectfully submitted,

William J. Love, Chairman
Public Health Appeal Board

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## Public Health Appeal Board Members

### **William Love** (Calgary)
**Chair**
Mr. Love is an independent insurance broker and consultant. He is a past chair of the Board of Examiners for Certified Dental Mechanics (1993 – 2002). He volunteers for church and community organizations.

### **Robert Lea** (Edmonton)
**Vice-chair**
Mr. Lea is a planner and internal auditor for a large Alberta public school board. He possesses in excess of 20 years senior financial and administrative experience in healthcare from previous positions. He is active in numerous community activities.

### **Sharon Cox** (High Prairie)
**Alternate Vice-chair**
Ms. Cox runs a mixed farming operation with her children and is a former registered nursing assistant. She is a past chairperson for the Keeweetinok Lakes Regional Health Authority (1994 – 2001). She enjoys volunteering for various community groups.

### **Marvie Kenny** (Oyen)
**Member**
Ms. Kenny is a retired dental hygienist and partner in a grain farming operation. She also volunteers for various community organizations.

### **William (Bill) Steinburg** (Spruce Grove)
**Member**
Mr. Steinburg is a past mayor and alderman of the city of Spruce Grove (1983 - 1992) at which time he presented "Putting the House in Order" to the Alberta Municipalities Association Conference. He holds a degree of Bachelor of Health Services Administration and is a medical radiation technologist. Bill is a health care consultant and has a background in finance administration and capital projects. He presented one of the first automated computerized equipment assessment programs for use in tendering diagnostic imaging equipment, which was published at the 12th Symposium for Computer Assisted Radiology in Winston Salem, North Carolina. He is a volunteer board member with Neighbourlink Parkland in Spruce Grove, which is aligned with World Vision Neighbourlink Canada.

### **Margaret Niehaus –** (Edmonton)
**Administrative Assistant/Coordinator**

## Background

The Public Health Appeal Board (The Board) was established February 03, 1999 under the amended *Alberta Public Health Act*. The new Public Health Appeal Board replaced the former Public Health Advisory and Appeal Board established in 1985.

The board is subject to general rules of administrative law and natural justice as they apply to quasi-judicial tribunals. Donald R. Cranston, Q.C., of the law firm Bennett Jones LLP provides the board with independent legal counsel.

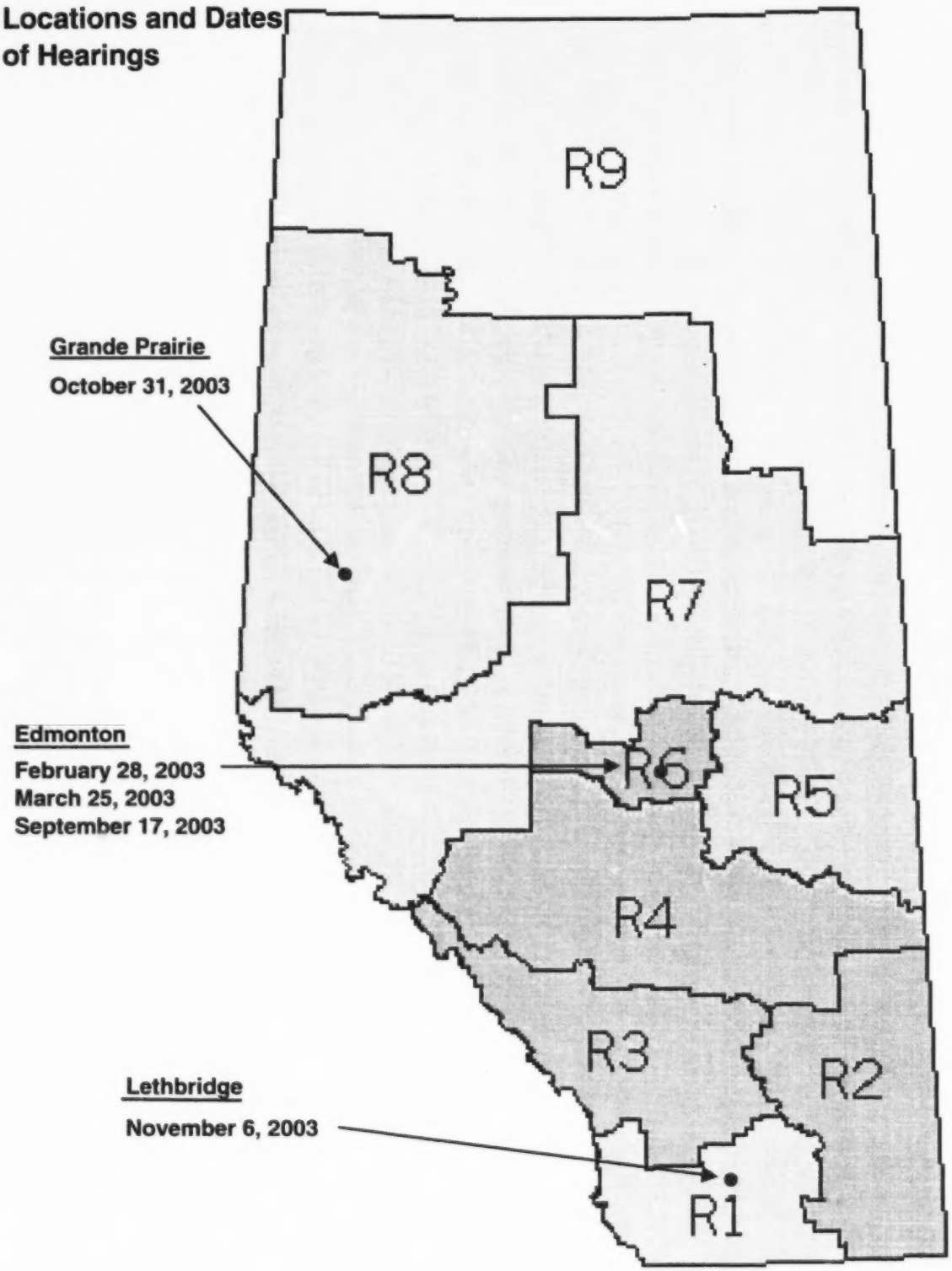
## Duties

The Public Health Appeal Board is a five-member panel recommended by the Minister of Alberta Health and Wellness and appointed by the Lieutenant Governor in Council. Their principal duty is to hear appeals on decisions made by regional health authorities (RHA). The board's role is to address concerns of individuals directly affected by an RHA decision.

The board may call upon technical experts and professionals to assist and provide them with specific knowledge in areas related to the appeal. At the completion of the appeal, the board gives written notice of their decision. This may:

- confirm, reverse or vary the decision of the RHA or
- refer the matter back to the RHA for further consideration.

## Locations and Dates of Hearings



## Appeal Activities and Summaries

The following is a summary of all appeals or applications received and/or heard by the Public Health Appeal Board from January 01, 2003 to December 31, 2003:

### # 01/2003
### Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act*, requiring the owner to replace or modify windows in order that they comply with the Minimum Housing and Health Standards and the Alberta Building Code.

The appellant withdrew the appeal.

### # 02/2003
### Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act*, requiring the owner to assess the water infiltration of the two units of the housing premises.

The appellant withdrew the appeal.

### # 03/2003
### Order of Capital Health

Appeal of two orders of an executive officer of Capital Health under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupant to vacate the premises.

The board upheld the orders issued by the executive officer of Capital Health. The appellant was directed to have the premises remain vacant while correcting the conditions identified in the order to the satisfaction of an executive officer of Capital Health.

## # 04/2003
## Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act*, requiring the owner to undertake certain cleaning and sanitizing of a residential suite.

***Hearing held March 25, 2003***
The board upheld the order issued by the executive officer of Capital Health.

## # 05/2003
## Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act*, requiring the owner to correct the private sewage disposal system.

The appellant withdrew the appeal.

## # 06/2003
## Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act*, requiring the owner to correct heating, water infiltration and various housing conditions to an apartment building.

The order was resolved between the parties and the appeal was accordingly withdrawn.

## # 07/2003
## Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act* requiring the owner to correct the size of openings between balusters in residential apartments.

The hearing is scheduled to be heard in February 2004.

## # 08/2003

A letter of appeal was received regarding a health issue not pertinent to the board's jurisdiction.

The appellant was directed to the appropriate source.

## # 09/2003
## Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupant to vacate the premises.

***Hearing held September 17, 2003***
The board varied the order issued by the executive officer of Capital Health. The appellant was to correct the window sizes to allow emergency egress, and install a guard on the open side of each staircase.

## # 10/2003
## Order of Chinook Regional Health Authority

Appeal of two orders of an executive officer of Chinook Regional Health Authority under Section 62 of the *Public Health Act* declaring the housing premises unfit for human habitation and requiring the occupant to vacate the premises.

***Hearing held November 6, 2003***
The board upheld the orders issued by the executive officer of the Chinook Regional Health Authority. The appellant was to correct heating and various housing conditions identified in the orders before permitting further occupancy of the premises.

## # 11/2003
## Order of Peace Country Health

Appeal of the order of an executive officer of Peace Country Health under Section 62 of the *Public Health Act* requiring the occupant to vacate the premises due to water and sewage disposal systems.

***Hearing held October 31, 2003***
The board varied the order issued by the executive officer of Peace Country Health. The appellant was to install an approved septic system to the satisfaction of the Peace Country Health.

## # 12/2003
## Order of Peace Country Health

Appeal of the order of an executive officer of Peace Country Health under Section 62 of the *Public Health Act* requiring the occupant to vacate the premises due to water and sewage disposal systems.

The appellant withdrew the appeal.

## # 13/2003
## Order of Peace Country Health

Appeal of the order of an executive officer of Peace Country Health under Section 62 of the *Public Health Act* requiring the owner of the housing premises to ensure all occupants be supplied with adequate sanitary facilities, hot and cold water safe for human consumption, approved public sewage system, and to cease rental of mobile homes. The owner was not to permit further occupancy of the premises until authorized to do so by an executive officer of Peace Country Health.

***Hearing held October 31, 2003***
The board varied the order issued by the executive officer of Peace Country Health. The appellant was granted an extension of time to cease rental of the mobile home and to provide potable water to the mobile homes and one shop on this property.

## # 14/2003
## Order of Peace Country Health

Appeal of the order of an executive officer of Peace Country Health under Section 62 of the *Public Health Act* requiring the owner of the housing premises to ensure all occupants be supplied with adequate sanitary facilities, hot and cold water safe for human consumption, approved public sewage system, and to cease rental of mobile homes. The owner was not to permit further occupancy of the premises until authorized to do so by an executive officer of Peace Country Health.

***Hearing held October 31, 2003***
The board varied the order issued by the executive officer of Peace Country Health. The appellant was granted an extension of time to cease rental of the mobile home and an extension is given to the appellant and tenants to vacate the property.

## # 15/2003
## Order of Capital Health

Appeal of the order of an executive officer of Capital Health under Section 62 of the *Public Health Act* requiring the owner to correct heating, plumbing, electrical and various housing conditions of the premises.

The appellant withdrew the appeal scheduled for November 14, 2003.

## # 16/2003
## Order of Aspen Regional Health Authority

Appeal of the order of an executive officer of the Aspen Regional Health Authority under Section 62 of the *Public Health Act* requiring the owner to repair the potable water system.

The appellant withdrew the appeal.

## # 17/2003
## Order of Calgary Health Region

Appeal of the order of an executive officer of Calgary Health Region under Section 62 of the *Public Health Act*, requiring the owner to clean and abate a rodent infestation in the housing premises.

The order was rescinded, and the appeal was accordingly withdrawn.